

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE CHARTER OAK FIRE
INSURANCE COMPANY,

Plaintiff,

v.

ZURICH AMERICAN INSURANCE
COMPANY,

Defendant.

CASE NO. 2:21-cv-01344-RAJ-BAT

ORDER ON CROSS-MOTIONS

Having reviewed the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, Defendant's objections (Dkt. 57), and the remaining record, the Court finds as follows:

(1) The Court **ADOPTS** the Report and Recommendation.

(2) This Court **MODIFIES** the Report and Recommendation to make clear that Judge Tsuchida's conclusion and recommendation, as reflected in Judge Tsuchida's analysis and proposed order (Dkt. 56-1) and located at page 19, is that Defendant Zurich American Insurance Company's ("ZAIC") Motion for Partial Summary Judgment (Dkt. 46) be **GRANTED** and Plaintiff Charter Oak's Cross Motion for Summary Judgment

1 (Dkt. 50) be **DENIED**.

2 (3) Defendant ZAIC's Motion for Partial Summary Judgment (Dkt. 46) is
3 **GRANTED** and it is **ORDERED** that ZAIC is entitled to contribution from The Charter
4 Oak Fire Insurance Company in the amount of \$222,944.00.

5 (4) Plaintiff Charter Oak's Cross Motion for Summary Judgment (Dkt. 50) is
6 **DENIED**;

7 (5) The Clerk is directed to send copies of this Order to the parties and to Judge
8 Tsuchida.
9

10 Dated this 31st day of October, 2023.

11
12 

13 The Honorable Richard A. Jones
14 United States District Judge
15
16
17
18
19
20
21
22
23